UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED
September 16, 2016
David J. Bradley, Clerk of Court

United States of America
v.
CARY LEE OGBORN

Defendant(s)

Case No. **H 16-1360M**

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 2016 to September 2016 in the county of Harris in the Southern District of Texas, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C.§ 844(d)	Attempt to transport explosives through interstate commerce to kill, injure, or intimidate, or to destroy buildings or vehicles.

This criminal complaint is based on these facts:

See Attached Affidavit

☑ Continued on the attached sheet.

[signature]
Complainant's signature

Matthew C. Stecher, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 9/16/2016

[signature]
Judge's signature

City and state: Houston, Texas

Magistrate Judge Dena H. Palermo
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. I, Matthew C. Stecher, (Affiant), a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Houston Division, Houston, Texas, being duly sworn, depose and state as follows to wit:

I. INTRODUCTION AND AGENT BACKGROUND

2. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and have been so employed since August 2010. I am currently assigned to the Houston Field Office. I have received training in the preparation, presentation and service of criminal complaints and arrest and search warrants and have been involved in the investigation of numerous types of offenses against the United States. Also, I am familiar with the manner in which federal crimes are committed and the efforts of persons involved in such activity to avoid detection by law enforcement.

3. This affidavit is intended to show merely that there is probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

II. PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of an application for a complaint against and arrest warrant for Cary Lee Ogborn ("Ogborn").

5. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that Ogborn committed a violation of 18 U.S.C.§ 844(d) (Attempt to Transport Explosives through interstate commerce to kill, injure, or intimidate, or to destroy buildings or vehicles).

III. CHARGE

6. Beginning in or about August 2016, and continuing until on or about September 16, 2016 within the Southern District of Texas, and elsewhere, the defendant

CARY LEE OGBORN,

did attempt to transport or receive, in interstate or foreign commerce an explosive with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property.

All in violation of Title 18, United States Code, Section 844(d).

IV. STATEMENT OF PROBABLE CAUSE

7. This case is premised on the recent anonymous online order of explosive materials by an individual, believed to be Ogborn, made over a network of computers designed to conceal his true IP address. But more than just the use of that network, Ogborn, the prospective explosives purchaser, claimed he needed the materials to destroy a vehicle and building of some kind.

A. AlphaBay Operations on the Tor Network

8. Ogborn went to an online marketplace known as AlphaBay to place his explosive materials order. AlphaBay marketplace is an online sales platform that enables vendors and buyers who are users of the site to conduct anonymous transactions online involving the sale of a variety of illegal goods, including but not limited to biological agents, toxins, chemicals, firearms, ammunition, explosives, narcotics, and counterfeit goods. The basic user interface of AlphaBay resembles those of other well-known online marketplaces, such as ebay.com and Amazon.com. However, unlike mainstream e-commerce websites, AlphaBay is only accessible on the "Tor network."

9. Every computer device on the Internet has an Internet protocol or "IP" address assigned to it, which is used to route Internet traffic to and from the device. Ordinarily, a device's IP address can be used to determine its physical location and, thereby, its user. The Tor network, however, enables its users to hide their identities, as well as their physical locations.

10. In essence, the Tor is a special network of computers on the Internet, distributed around the world, that is designed to conceal the true IP addresses of the computers on the network and, thereby, the identities of the network's users.

11. Although Tor has known legitimate uses, it is also known to be used by cybercriminals seeking anonymity in their illicit online activities. Every communication sent through Tor is transferred through numerous relays within the network, and concealed in numerous layers of encryption, such that its users believe that it is virtually impossible to trace the communication back to its true, originating IP address.

12. Similarly, Tor enables websites to operate on the network in a way that conceals the true IP addresses of the computer servers hosting the websites, thereby making it extremely difficult to identify the server's physical location.

13. Illicit websites operating on Tor have complex web addresses, generated by a computer algorithm, ending in ".onion." Websites with ".onion" addresses can be accessed only by using Tor browser software is publicly available and may be downloaded by prospective users from the Internet.

14. Individual users who establish buyer and or seller accounts on the AlphaBay marketplace have the ability to communicate with one another with a built in private messaging feature. The private messaging feature is more similar in fashion to an email account where messages are sent and received and can be retrieved even if the user is not logged in at the time

the message was sent. The private messaging feature is conducted in clear text whereas a site administrator could possibly review the content of the communication. In order to prevent others such as a site administrator from viewing the message, it is common practice for buyers and sellers to encrypt their private messages.

15. The primary form of payment used on the AlphaBay marketplace is a form of digital currency known as Bitcoins (BTC). BTC are a decentralized form of digital "crypto" currency, existing entirely on the Internet and not in any physical form. The currency is not issued by any government, bank, or company, but rather is generated and controlled automatically through computer software operating on a "peer to peer" network. BTC transactions are processed collectively by the computers composing the network.

16. While BTC have known legitimate uses, they are also known to be utilized by cyber-criminals given the ease with which they can be used to move money in relative anonymity.

17. Generally, in order to acquire BTC, a user must purchase them from a BTC "exchanger." In return for a commission, BTC exchangers accept payments of currency in some conventional form (cash, wire transfer, etc.) and exchange the money for a corresponding number of BTC, based on a fluctuating exchange rate. Exchangers also accept payments of BTC and exchange the BTC back for conventional currency, again, charging a commission for the service.

18. Once a user acquires BTC from an exchanger, the BTC are kept in a virtual "wallet" associated with a BTC "address," designated by a complex string of letters and numbers. The "address" is analogous to the account number for a bank account, while the "wallet" is analogous to a bank safe where the money in the account is physically located. Once

a BTC user funds his wallet, the user can then use BTC in the wallet to conduct financial transactions, by transferring BTC from his BTC address to the BTC address of another user, over the Internet.

19. AlphaBay's payment system essentially consists of a BTC "bank" internal to the marketplace, where AlphaBay users must hold an account in order to conduct transactions on the site.

20. In order to post listings on the AlphaBay site, a vendor must first establish a seller's profile. In order to make a purchase on AlphaBay from a vendor on the site, a user must establish an account on AlphaBay, and then transfer his BTC to a BTC address associated with the user's AlphaBay account.

21. After funding one's account, the user can then make purchases from AlphaBay vendors. When the user purchases an item on AlphaBay, the BTC needed for the purchase are held in escrow in a virtual wallet maintained by AlphaBay pending completion of the transaction.

B. Ogborn's Purchase of Explosive Materials Over the DarkNet

1. Boatmanstv Use of AlphaBay

22. This FBI investigation has revealed that the online moniker "boatmanstv" utilized AlphaBay to facilitate an unlawful attempt to purchase explosive materials and devices, specifically wireless transmitters, dynamite and fragmentation grenades.

23. Beginning in or about August 2016, the FBI initiated an investigation of the illicit purchasing activity on the AlphaBay marketplace.

24. On or about August 21, 2016 through on or about September 11, 2016, a FBI Online Covert Employee (OCE), who is located out of state, logged on to the OCE's vendor

account on to the AlphaBay site. On or about August 21, 2016, the OCE observed an unsolicited private message sent by "boatmanstv." The private message was titled "wireless detonator".

25. The user of boatmanstv explained to the OCE that he needs items, which are to be delivered to Houston, to help him cause the explosion of a 20ft by 40ft wooden structure that is used as an apartment. The following are excerpts from the communications between boatmanstv and the OCE.

Sent by boatmanstv Member on Aug 21, 2016 at 22:36

looking for wireless transmitter with detonator. Everything I need to set of a 5 gallon can of gas from a good distance away. Thanks boatmanstv

Sent by OCE on Aug 24, 2016 at 17:12

that no problem depend how you want initiate you look cellular or time fuse for that? we post most country where you need deliver we see if do business?

Sent by boatmanstv Member on Aug 24, 2016 at 22:33

USA

Sent by OCE on Aug 24, 2016 at 17:12

we can send detonator for that but cost for post maybe expensive. what city or something we see about calculate best option to get detonator stealth arrive but cost too much. the detonator they cost depend on type you know. cellular more expensive we use all clean phone and make circuits not able to trace yes. the fuse more simple that burn at standard rate but require you be close to target to ignite. that maybe not good option for you. how you plan to detonate gas it in car or something? we price what you need see if it ready.

Sent by boatmanstv Member on Aug 27, 2016 at 22:27

Going to ignite gas because it is the cheapest way I know. If you know cheaper, please inform. Dont need big explosion, just need to make sure building 20 ft x 40 ft made of wood burns to the ground. I dont have a problem with being close buy. Just cant use fuse because it will be at night and fuse burning can be seen at night. The explosive will be placed under the center of the building because it is up on blocks. The city and state that it will be going to is Houston Texas. I just received 300 FT of fuse. Ordered that before I found out it was going to have to be done at night. Thanks for all help. P.S. can you get dynamite in sticks or 1/4 sticks? boatmanstv

Sent by OCE on Aug 27, 2016 at 23:12

Ok fuse not the best for you job. we get dynamite no problem you use that instead of gas yes? we send you kit from my country for dynamite with trigger you just place under building and go usepreset number you call to ignite. simple you know that how we build it so no mistake. all parts they from EU for that so nobody find anything. the trick is getting explosion hot enough to burn that can be difficult. it important to use the right explosive. is buildinglike a house or different there stuff inside or empty you know? sorry we ask it important to make device work you know. if you rather talk email we do that no problem or this work too. we use email (OCE e-mail address). we wait to hear about that.

Sent by boatmanstv Member on Aug 27, 2016 at 23:25

This com is fine, I use Multi Hop VPN, no worries. The building like shed or storage, so yes like a house of wood. I guess I could use 1/4 stick TNT and gas to make sure it burns, or diesel fuel? I may use pressure sprayer to wet down the outside of the building rightbefore I trigger it to help the burn. Dont know exactly whats inside but person using for apartment. Person will not be there when set off. Dont want to kill, just send message. Thanks boatmanstv.

Sent by OCE on Aug 27, 2016 at 23:55

ok we very good at help send message. the kit that include one stick dynamite and remote trigger it cost €225 with escrow for that. We use contact for post make it easy you know ;)cost to usa Houston that €43. it arrive inside box we hide toys look like birthday gift you know. it look very normal that important. we send many country this way that pass custom no problem. if you serious for that we make custom today yes? you place order we make device it take two days for that. after we give you instruction and picture we send that so you know what to see when box arrive.

Sent by boatmanstv Member on Aug 28, 2016 at 04:45

So You need 300 USD is that correct? I have like 200 in my wallet on here now. will take a couple days to get the coin put on here. You will here from me soon. I will let you know when to make the custom order.

Sent by OCE on Aug 29, 2016 at 18:40

ok we take 300 USD for that. we wait to hear when you want custom.

Sent by boatmanstv Member on Aug 29, 2016 at 21:41

Ok will let you know when ready

Sent by OCE Vendor on Aug 29, 2016 at 23:47

yes we wait to hear ;)

Sent by boatmanstv Member on Aug 30, 2016 at 12:43

Also I forgot to ask and hope you dont mind me asking about a grenade. I seen a custom in store for one and it said you have one left. If so I may ask for that also if you thing you can make allthe stuff I eant with shipping priority international with tracking for 600.00 USD. Thanks boatmanstv

Sent by OCE Vendor on Aug 31, 2016 at 01:55

Okay we do 600 for everything this week okay that include 1 grenade dynamite and cellular trigger yes?

Sent by boatmanstv Member on Aug 31, 2016 at 16:39

Yes Just have to move money to coin. I will be placing order as soon as that is done.

Sent by OCE Vendor on Sep 02, 2016 at 00:49

Ok we wait to hear about that. We travel for business in my country this weekend we make listing early next week yes?

Sent by boatmanstv Member on Sep 02, 2016 at 22:58

Yes the first of next week will be fine. boatmanstv

Sent by OCE Vendor on Sep 03, 2016 at 19:05

ok we talk on Wednesday we send pm about that for sale.

Sent by boatmanstv Member on Sep 04, 2016 at 00:31

will have bitcoin on monday the 5th

Sent by OCE Vendor on Sep 06, 2016 at 16:42

hello friend!
we make custom for that like we say it ready for grenade dynamite and trigger. We name it custom for boatmanstv ;)
(OCE Web Address)
When you buy we make device it take two days and send picture yes. We look for order soon!

Sent by boatmanstv Member on Sep 06, 2016 at 21:10

OK does your post office offer priority international with tracking? Fastest and least risky way to send anything to US.

Sent by OCE Vendor on Sep 07, 2016 at 23:29

hello friend yes no problem we make trigger and send fastest :)
we have contact who make post easy like we say no risk. we package on Friday after we give you exact date for deliver.

Sent by boatmanstv Member on Sep 07, 2016 at 23:54

Thank you

Sent by OCE Vendor on Sep 10, 2016 at 01:05

hello everything look very nice. We send box that have grenade and dynamite + alarm trigger yes. We send tracking when reship put in box in post. What email we send picture and instruction you know what to expect yes.

Sent by boatmanstv Member on Sep 10, 2016 at 06:53

send to darknetstv@outlook.com So when are you shipping and how long to you think it will take to arrive.

On or about 10 September 2016, the OCE sent an email message with two attachments to the user of email account darknetstv@outlook.com. The following is an excerpt from the email:

From: OCE e-mail address
Date: Sat, September 10, 2016 3:50pm
To: darknetstv@outlook.com

Hello friend

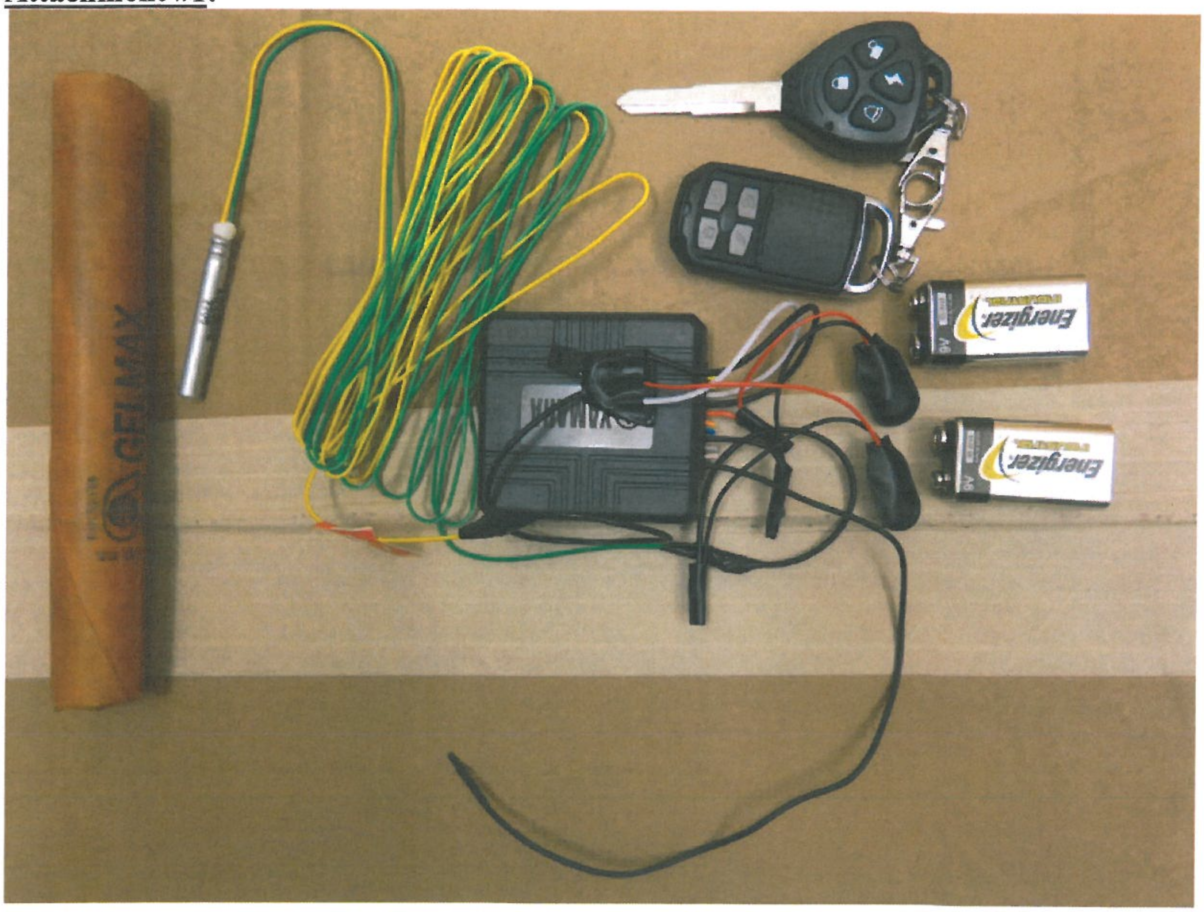
Here pictures for that. It very simple you know. We package everything inside toy. you unscrew toy to find everything inside ;)

we make it easy to initiate like we say. all wire connected you just add 2 battery inside car alarm and put detonator inside hole in dynamite. when ready to detonate it just you push car alarm button from key it initiate. it very important to be very good distance device very dangerous when armed you understand. there no coming back from that.

it usual arrive in a week we get detail tracking after reship. you have maybe thursday or friday yes. we wait to hear about that.

cheers

Attachment #1:


GELMAX
Energizer
Energizer

Attachment #2:

GELMAX
Energizer
Energizer

On or about 10 September 2016, the OCE accessed AlphaBay and sent a private message to moniker boatmanstv. The following are excerpts from the ensuing communication:

> **Sent by OCE Vendor on Sep 10, 2016 at 18:52**
>
> *check email for that ;)*
>
> **Sent by boatmanstv Member on Sep 11, 2016 at 01:56**
>
> *I have nothing in email. darknetstv@outlook.com*
>
> **Sent by OCE Vendor on Sep 11, 2016 at 05:37**
>
> *you check junk we send from sigaint maybe that why yes? we look it show in sent folder. let us know we send again for that.*
>
> **Sent by OCE Vendor on Sep 11, 2016 at 05:40**
>
> *if that no work you send us email we reply for that yes*

we use (OCE e-mail address)

Sent by boatmanstv Member on Sep 11, 2016 at 01:56

Your email was returned undeliverables. How about this, do you have ppg,[1] *if so send me your ppg, I will send you mine and you can write out your explanation.. Here is my public key. (boatmanstv supplies his public key to OCE) Hope we can get this done. Thanks boatmanstv.*

Sent by OCE Vendor on Sep 11, 2016 at 20:18

we send again use different email. check to see.

Sent by boatmanstv Member on Sep 12, 2016 at 04:43

Ok no problem Is the grande in the toy also? What dated did you send the package? Thank you Boatmanstv

PS what distance you think the remote has.?

Sent by OCE Vendor on Sep 13, 2016 at 22:01

Hello friend we get tracking from drop they send in post today for that. you see when box that delivery. It best not have box at address for very long you know. please pm when inspect everything look good provide feedback yes ;)

9114901230801770816020

the distance that 20-30 meters for remote these work very good. the grenade that inside toy like we say. you use grenade at building or different you know best how to use yes. we provide detail if you need for that.
cheers

Sent by boatmanstv Member on Sep 14, 2016 at 04:53

The idea we have for this person is, while he sleeping we put grenade in back of truck and run to our car 20 to 30 meters away, then the truck blow up, he heres truck blow up and come outside while he outside we blow up house. Tell me about grenade please. how far do we need to be away? What postal carrier for this package?

Sent by boatmanstv Member on Sep 14, 2016 at 05:04

Never mind I found it. its already in new york should be here any day. I will pick up with quickness. Please dont let this question bother you and if it does I am truly sorry, can you get any XTC the pill form. These young punks on this website are so chicken shit they will

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[1] "ppg" is likely a reference to the PGP encryption software, also known as Pretty Good Privacy encryption. The software uses public and private keys to encrypt and decrypt texts.

not ship the XTC orders priority mail. I guess because the think it can come back on them. I have to wait two to three weeks to get my order of pills. You guys are pros you can ship what you shipped me with confidence that is a pro. If you can get that for me we can both make some money. Thanks for all your help. And you will get great feedback from me.

2. Boatmanstv Purchases from OCE

26. On or about September 07, 2016, the OCE accessed AlphaBay and received a notification indicating there was a new sale from boatmanstv (Sale # 4696498). The following is a summary of the sale details:

Listing: custom for boatmanstv

Sale #: 4696498

Item #: 208150

Date: Sep 7, 2016 - 03:14 - to boatmanstv

Postage US - 14 days - EUR 0.00

Quantity: 1

Total in Escrow: 0.9407 BTC

Item price: EUR 525.04

Minus- Commission: EUR 18.94

Net total: EUR 506.10

27. A review of the "Buyer Data" section revealed the user of boatmanstv had placed thirty-two (32) orders on AlphaBay totaling BTC 24.5176. As of September 11, 2016, BTC 24.5176 is equivalent to approximately USD 15,338.

28. On or about September 07, 2016, a review of the "Buyer Notes" section revealed a PGP encrypted message from boatmanstv. The OCE accessed and decrypted the PGP message from boatmanstv. The following contains the decrypted text:

RandySmith

P.O.Box263515

Houston,Tx.77207

United States

3. Boatmanstv is Ogborn and Ogborn is in Houston

29. On or about September 08, 2016, the United States Postal Service (USPS) provided information regarding the box holder of the Post Office Box number 263515, which is located at United States Postal Office 4020 Broadway Street, Houston, Texas 77207. The post office box is registered to Randy Lee smith, 6420 Rupley Circle, Houston, Texas, cellular telephone number 832-406-9534[2] and electronic mail (e-mail) address of darknetstu@outloom.com. The person using the "Smith" name submitted an application and opened the post office box on or about April 13, 2016. He also submitted a Georgia driver's license and a vehicle insurance policy when applying for the post office box, which FBI investigation determined were fraudulent. USPS's investigation identified the person using the PO Box as a taller white male who drove a dark colored Chevrolet Corvette.

30. On or about September 09, 2016, FBI Agents observed a boat repair garage located at 6303 Mayfair Street, Houston, Texas, which is approximately two (2) blocks from 6420 Rupley, Circle, Houston, Texas, bearing the name "CARY'S MOBILE MARINE SERVICES! HOME OF YOUR MOBILE BOAT DR," contact telephone number "CELL# (832) 403-9534" and what appears to be a grayish/silver Chevrolet Corvette parked inside the garage.

31. FBI analysis of darknetstv@outlook.com discovered multiple e-mails in which the user of darknetstv@outlook.com was mailing photographs of himself to the following email

[2] This is one-digit off the number for the Ogborn's cell phone (406-9534 instead of 403-9534).

addresses: marinatech260@gmail.com and powerheadservice@live.com. FBI investigation revealed marinatech260@gmail.com and the above listed cellular telephone number are listed in the Better Business Bureau (BBB) as "YOUR MOBILE BOAT DR's" e-mail address and contact number respectively. Furthermore, the Better Business Bureau indicates the Principle and Owner of "YOUR MOBILE BOAT DR" is Ogborn. FBI investigation also revealed "YOUR MOBILE BOAT DR" is also known as "POWERHEAD GO FAST."

32. FBI open source searches of "YOUR MOBILE BOAT DR" and the above mentioned cellular telephone number reveal an address for a boat repair garage, located at 6303 Mayfair Street, Houston, Texas, which is the same address as "CARY'S MOBILE MARINE SERVICES! HOME OF YOUR MOBILE BOAT DR."

33. Texas Department of Public Safety (DPS) driver's license query results revealed Ogborn's address is 6303 Mayfair Street, Houston, Texas. The Texas DPS Driver's License Photograph of Ogborn appears to be the same individual utilizing the darknetstv@outlook.com account and sending photographs to marinetech260@gmail.com and powerheadservice@live.com. Furthermore, Facebook and Google Images show Ogborn repairing boat motors within a garage, warehouse type setting.

34. On or about September 13, 2016, the FBI received surveillance photographs from USPS of the individual who picked up the mail on or about September 12, 2016 from the above described Post Office Box.

35. On or about September 13, 2016, FBI showed local law enforcement personnel the USPS surveillance photographs and they positively identified the individual in the photographs as Ogborn.

36. Finally, the IP address associated with darknetstv@outlook.com, the email address

used by Ogborn to order the explosive materials, resolves back to "Your Mobile Boat Doctor," and 6303 Mayfair Street, Houston, Texas, Suite C.

C. Ogborn Receives the Explosive Materials

37. On September 16, 2016, Ogborn retrieved a package, which he believed contained the explosive materials described above,[3] at approximately 1:07pm, and then took it to the Mayfair Street address, where he opened the package at about 4:00pm and handled the explosive materials. About 30-40 minutes later he was arrested.

CONCLUSION

38. Based on the foregoing, I believe that probable cause exists to support a charge of 18 U.S.C.§ 844(d) (Attempt to Transport Explosives through interstate commerce to kill, injure, or intimidate, or to destroy buildings or vehicles), and that the nature of this crime combined with other facts and circumstances further supports the issuance of a warrant by this court for the arrest of Ogborn.

Mathew C. Stecher
Special Agent, FBI

Subscribed and sworn to before me on this 16th day of September, 2016.

Dena H. Palermo
United States Magistrate Judge

[3] Unbeknownst to Ogborn, the items were in fact inert.